

## **EXHIBIT 3**

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11 Receiver W. Lawrence Patrick

12 UNITED STATES DISTRICT COURT  
13 CENTRAL DISTRICT OF CALIFORNIA  
14 EASTERN DIVISION  
15

16 WB MUSIC CORP., et al.,  
17 Plaintiffs,  
18 v.  
19 ROYCE INTERNATIONAL BROADCASTING  
20 CORP., et al.,  
21 Defendants.

CASE NO. 5:16-cv-00600-JGB-SPx

**EX PARTE APPLICATION FOR ISSU-  
ANCE OF WRIT OF EXECUTION AS  
TO ALL DEFENDANTS EXCEPT SIL-  
VER STATE BROADCASTING LLC  
AND GOLDEN STATE BROADCAST-  
ING LLC; MEMORANDUM IN SUP-  
PORT**

22 **EX PARTE APPLICATION**

23 By this Ex Parte Application receiver W. Lawrence Patrick ("Receiver") ap-  
24 plies ex parte for the issuance of writs of execution, and such further documents re-  
25 quested by the Receiver in aid of enforcement of the fee orders, against defendants  
26 Royce International Broadcasting Corporation, Playa Del Sol Broadcasters, and Ed-  
27 ward R Stolz, II in order to enforce this Court's awards of fees and costs.

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1 **MEMORANDUM IN SUPPORT**

2 **I. ARGUMENT**

3 On August 26, 2021, the Court entered its Order Granting in Part Receiver's  
4 Motion for Fees, etc. (the "First Fee Order") and awarded the Receiver fees and  
5 costs in the principal amount of \$590,340.10. (Doc. 486 at 5.) The First Fee Order  
6 required payment within thirty days. (*Id.* at 7 ["Defendants shall satisfy the  
7 amounts above within thirty days of the date of this order, at which point interest  
8 shall begin to accrue."].) Defendants did not pay as required. The award carried a  
9 .08% interest rate and the sums due have incurred \$731.05 in interest.

10 On February 22, 2023, the Court issued its Order Approving Final Report  
11 and Accounting as to all defendants except Silver State Broadcasting, LLC and  
12 Golden State Broadcasting and Awarding Fees and Costs (the "Second Fee Or-  
13 der"). (Doc. 507.) The Second Fee Order approved additional fees and costs to the  
14 Receiver in the amount of \$1,487,736.85. (*Id.*) Treating the Second Fee Order like  
15 the First Fee Order, thirty days passed without payment by the Defendants of the  
16 amounts due under the Second Fee Order. The Second Fee Order carries an inter-  
17 est rate of 4.97% and the sums due under that order have accrued interest of  
18 \$4,051.54.

19 In light of the Defendants non-payment of the First Fee Order and the Sec-  
20 ond Fee Order, the Receiver respectfully requests that the Court authorize the issu-  
21 ance of writs of execution, and such further documents requested by the Receiver  
22 in aid of enforcement of the fee orders, against Defendants Royce International  
23 Broadcasting Corporation, Playa Del Sol Broadcasters, and Edward R Stolz, II so  
24 that these sums may be collected by the Receiver for the services he rendered as  
25 well as the services rendered by his professionals.

26 This Receiver brought this request by Application rather than requesting the  
27 Clerk of the Court issue writs of execution for two reasons. First, to give the Court  
28 the opportunity to direct the Receiver to enforce the First Fee Order and Second

1 Fee Order by a motion for contempt rather than as money judgments. Second, be-  
2 cause issuance of a writ under these circumstances is slightly unusual, but war-  
3 ranted. Federal Rule of Civil Procedure ("FRCP") 69 provides for the issuance of  
4 writ of execution following entry of a money judgment. A "judgment" under  
5 FRCP 54 includes appealable orders. The Second Fee Order approves the Final  
6 Accounting and is (or was) an appealable order. Thus, it may be enforced under  
7 FRCP 69.

8 **II. COMPLIANCE WITH LOCAL RULES 7-19 AND 7-19.1**

9 Local Rule 7-19 provides, in pertinent part that:

10 An application for an ex parte order shall be accompanied by a memo-  
11 randum containing, if known, the name, address, telephone number  
12 and e-mail address of counsel for the opposing party[.]

13 Contact information for counsel for Defendants is as follows:

14 G. Scott Sobel, Esq.  
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16 and

17 Donald Charles Schwartz, Esq. (SBN 122476)  
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20 Local Rule 7-19.1 provides that:

21 It shall be the duty of the attorney so applying (a) to make reasonable,  
22 good faith efforts orally to advise counsel for all other parties, if  
known, of the date and substance of the proposed ex parte application  
23 and (b) to advise the Court in writing and under oath of efforts to con-  
24 tact other counsel and whether any other counsel, after such advice,  
opposes the application.

25 In advance of the filing of this application, counsel for the Receiver wrote to  
26 Mr. Sobel and Mr. Schwartz informing them of the nature of this application and  
27 inquiring whether they oppose the relief requested. (Declaration of Jack Praetzellis  
28 ["Praetzellis Decl."], Ex. 1.) Mr. Schwartz responded, indicating defendants

1 oppose the relief requested. (Praetzellis Decl. ¶ 3.) Mr. Schwartz's response is at-  
2 tached to the Praetzellis Declaration as Exhibit 2. Mr. Schwartz also filed, what ap-  
3 pears to be an opposition to this application. (See Doc. 508.) That opposition is  
4 without merit; the writs will issued against non-debtors and the assets of non-debt-  
5 ors.

6 **III. CONCLUSION**

7 Accordingly, the Receiver respectfully requests that the Court authorize issu-  
8 ance of writs of execution and such further documents requested by the Receiver in  
9 aid of enforcement of the First Fee Order and the Second Fee Order against De-  
10 fendants Royce International Broadcasting Corporation, Playa Del Sol Broadcast-  
11 ers, and Edward R Stolz, II.

12 Dated: May 5, 2023.

13 Respectfully submitted,

14 FOX ROTHSCHILD LLP

15  
16 By *s/ Jack Praetzellis*

JACK PRAETZELLIS

17 Attorneys for Court-Appointed Receiver W.  
18 Lawrence Patrick